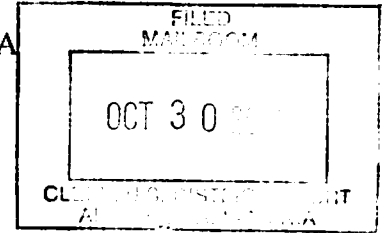


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA



MALIBU MEDIA, LLC

Plaintiff,

v.

JOHN DOE Subscriber assigned IP address
72.66.92.110

Defendant.

Case No. 1:14-cv-1104 (AJT/JFA)

**DEFENDANT JOHN DOE SUBSCRIBER'S NOTICE OF MOTION TO QUASH
PLAINTIFF'S SUBPOENA AND FOR A PROTECTIVE ORDER OF
DEFENDANT'S IDENTITY**

PLEASE TAKE NOTICE that Defendant John Doe Subscriber IP Address 72.66.92.110 in the above-captioned matter ("Defendant"), pursuant to Rule 45 of the Federal Rules of Civil Procedure (the "Rules"), hereby submits this Notice of Motion to Quash Plaintiff Malibu Media, LLC's ("Plaintiff") Subpoena dated September 3, 2014 to Verizon Online, LLC against Defendant (the "Subpoena") and for a protective order pursuant to Rule 26(c)(1).

Defendant hereby makes a motion that the Court quash the Subpoena on the following grounds:


- (A) Plaintiff's ex parte application for early discovery was granted without interested parties being afforded an opportunity to present any facts or make any argument as to the propriety of the Subpoena.
- (B) The Subpoena is faulty on its face.
- (C) The Subpoena implicates substantial privacy interests.

(D) There is a substantial likelihood that Plaintiff has employed abusive litigation tactics in the past and is likely to continue to do so, which threatens to unduly burden Defendant.

Defendant also requests that this Court enter a protective order to protect Defendant's identity pursuant to Rule 26(c)(1) on the ground that the Federal Rules protect a person from annoyance, embarrassment, oppression, or undue burden or expense.

For the foregoing reasons, and pursuant to Rules 45(d)(3) and 26(c)(1), and the attached Memorandum of Law in support of this Motion, Defendant respectfully moves for entry of an order quashing Plaintiff's Motion and for a protective order. A proposed order is attached for the Court's convenience.

Respectfully submitted,




John Doe Defendant
Subscriber IP 72.66.92.110

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Motion to Quash Plaintiff's Subpoena and for a Protective Order was delivered via First Class Mail to Plaintiff's counsel:

William E. Tabol, Esq.
1401 Mercantile Lane #105
Largo, MD 20774

this ____ day of October, 2014.



John Doe Defendant
Subscriber IP 72.66.92.110